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Letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to forward the attached outcome documents adopted by the Assembly of Heads of State and Government of the African Union at its Special Session on the Consideration and Resolution of Conflicts in Africa, which was held in Tripoli on 30 and 31 August 2009 (see annexes I and II).

It would therefore be appreciated if the text of the above-mentioned documents could be circulated as a document of the Security Council.

(*Signed*) Lila Hanitra **Ratsifandrihamanana**
Ambassador
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Annex I to the letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace

1. We, the Heads of State and Government of the African Union (AU), meeting in Tripoli, Great Socialist People's Libyan Arab Jamahiriya, on 31 August 2009, on the occasion of the Special Session on the Consideration and Resolution of Conflicts in Africa, as agreed in Decision Assembly/AU/Dec.252 (XIII), have reviewed the state of peace and security on our continent and the steps we need to take to hasten the attainment of our common objective of a conflict-free Africa.

2. The decision to convene this Special Session reflects our growing concern at the persistence of conflict and crisis situations on the continent, despite the many efforts deployed thus far to resolve them. It also bears testimony to our renewed determination to give further impetus to the implementation of relevant AU decisions and promote lasting peace, security and stability on the continent, for without such an environment our vision of the political and economic integration and development of Africa will not materialize.

3. Our meeting is taking place at a time when significant efforts are being made to end conflict and promote peace and security on the continent. We have come a long way since we launched the AU in Durban, in July 2002, and inaugurated the Peace and Security Council (PSC), in Addis Ababa, in May 2004. Today, we have the necessary institutional and normative framework to address the scourge of conflicts, and the AU has demonstrated a renewed dynamism in dealing with issues of peace and security on the continent.

4. We note that the operationalization of the African Peace and Security Architecture (APSA), as articulated in the Protocol Relating to the Establishment of the Peace and Security Council, is well on course, as shown by the effective functioning of the PSC, the launching of the Panel of the Wise and the establishment of key components of the African Standby Force (ASF) and the Continental Early Warning System (CEWS).

5. We also note that, consistent with the spirit and letter of the AU Constitutive Act, we have, over the years, adopted a number of instruments on human rights, governance, democracy, disarmament, terrorism, and good neighbourliness, which represent a consolidated framework of norms and principles, whose observance would reduce considerably the risk of conflict and violence on the continent and consolidate peace where it has been achieved.

6. Finally, significant strides have been made in the resolution of conflicts in Africa, as evidenced by the remarkable achievements in countries such as Burundi, the Comoros, the Democratic Republic of the Congo, Liberia and the Sudan (South Sudan), as well as the advances recorded in the search for peace in a number of other countries and regions. These developments have brought hope and enhanced the prospects for development and renewal, which now need to be enhanced through sustained efforts at peacebuilding and post-conflict reconstruction.

7. While we take pride in these achievements, we remain, nevertheless, deeply concerned at the continued prevalence of conflict, insecurity and instability in large parts of the continent, with its attendant humanitarian consequences and socio-economic impact. Indeed, armed conflicts in Africa kill thousands of people every year; create humanitarian disasters; wipe out livelihoods and wealth that ordinary people have worked hard to accumulate over their lifetimes; and make sustainable economic development impossible. There is also a more profound loss: the destruction of hope for a better future.

8. In addition, we note with concern the resurgence of unconstitutional changes of Government, which constitutes a serious setback to the democratization process, as well as the emerging trend of election-related violence and conflicts; the threats posed by terrorism, drug trafficking, transnational organized crime, piracy, and illicit exploitation of natural resources to fuel conflicts; and the persistence of the border disputes and conflicts. We reiterate our commitment, in conformity with the decision adopted in Sirte, in July 2009, to cut off the sources of funding for terrorism, in particular those originating from the payment of ransom in situations of hostage taking. Of equal concern are the implications of climate change and its resulting consequences (food insecurity, scarce water resources, damage to coastal infrastructure and cities, reduced agricultural yields and environmentally-induced migration) for our quest for peace and the efforts being made in this respect.

9. Against this background, we are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans.

10. To this end, we recommit ourselves to accelerate the full operationalization of the APSA, including the further refinement of existing provisions, where necessary, to facilitate their implementation. In this respect, we agree to increase our contributions, both financial and technical, in support of the APSA. We request the Chairperson of the Commission to take all steps necessary to strengthen the Commission's capacity to better address the challenges of peace, security and stability on the continent, including through the speedy recruitment of necessary additional staff, bearing in mind that additional resources are needed.

11. We undertake to make renewed efforts to address the root causes of conflicts in a holistic and systematic manner, including through implementing existing instruments in the areas of human rights, the rule of law, democracy, elections, good governance, disarmament, arms control and non-proliferation and good neighbourliness. This requires that all Member States that have not yet done so speedily sign and/or ratify those instruments and that the Commission actively monitor their implementation. We request the Commission to take all necessary steps to sensitize the Member States concerned and to undertake a thorough and systematic review of the status of implementation of these instruments and to submit to the Assembly concrete proposals on how to improve compliance.

12. In particular, we reiterate our total rejection of unconstitutional changes of Government and undertake to enhance both prevention of, and response to, this phenomenon. In this vein, we reiterate the need for Member States to promote good governance, to abide by the rule of law and to respect their own Constitutions,

especially when it comes to introducing constitutional reforms, bearing in mind that failure to do so can lead to situations of tension, which could, in turn, precipitate political crisis. Equally, we shall take all necessary measures, including the condemnation of, and imposition of sanctions against any African country that would encourage, support or host armed groups whose objective is to destabilize another state. We commit ourselves to abide by the principles of sovereignty, territorial integrity and non-use of force, directly or indirectly, in the conduct of our external relations.

13. We reiterate our determination to ensure that, at all times, Africa moves first and in a timely manner to deal with the scourge of conflicts in our continent. We also reiterate our commitment to exercise utmost restraint, to systematically resort to peaceful means to settle all disputes, and to be responsive to mediation and other preventive diplomacy endeavours.

14. We are resolved to ensure that sufficient troops and observers are made available for rapid deployment when and where they are required.

15. Driven by our determination to transform the geo-political landscape of Africa for the benefit of all its peoples, by promoting the development and integration of the continent, we shall take a series of concrete and effective measures to accelerate the implementation of solutions already agreed to for the settlement of a number of conflicts, and the promotion of fair and equitable solutions to situations for which no agreement has yet been reached by the parties concerned, as well as for post-conflict reconstruction, to provide the peoples concerned with peace dividends.

16. We reiterate our full support to all ongoing peace efforts on the continent and urge all concerned parties to leave no stone unturned to end the conflicts they are party to, bring hope to their people and build sustainable peace. In line with the relevant provisions of the Constitutive Act and the Rules of Procedure of the Assembly, as well as the PSC Protocol, we commit ourselves, where parties to a conflict stubbornly refuse to live up to their obligations and cooperate towards the promotion of peace, to impose sanctions and ensure their scrupulous implementation throughout the continent, while seeking the support of our partners within the international community, including the UN Security Council.

17. We commit ourselves, within the framework of the AU Policy on Post-Conflict Reconstruction and Development (PCRD), to show the required solidarity with the African countries emerging from conflicts, to assist them in consolidating their hard-won peace and avoiding relapse into violence.

18. We stress the need for all Member States to extend full cooperation and support to the PSC, bearing in mind that, in carrying out its duties under the Protocol, the PSC acts on behalf of the entire membership of the AU. Equally, we commit ourselves to increase substantially our contribution to the Peace Fund, for Africa to truly own the ongoing efforts to promote peace, security and stability on the continent. In this respect, we request the Commission to take the necessary preparatory steps for the increase of the statutory transfer from the AU regular budget to the Peace Fund from 6 to 12%. We also encourage all Member States in a position to do so, to make voluntary contributions to the Peace Fund. We request the Commission to submit to the Assembly, in June 2010, a comprehensive report on how best to mobilize increased resources from within the continent to support our peace efforts.

19. Making and sustaining peace and security is also an intellectual challenge. We therefore undertake to build the capacity of our universities and research institutes to explore the nature of African conflicts, to investigate what succeeds and what fails in conflict resolution efforts, and to arrive at African-centred solutions, drawing from our own distinctive and unique experience.

20. To achieve our objective of an African continent that is not only at peace with itself but is also at peace with the rest of the world, we need to continue to strengthen our relations with our major partners. We value the support provided by our bilateral and multilateral partners in the Americas, Asia, Europe and Middle East, and call on them to continue working closely with us in achieving our goals, understanding that peace and security are indivisible.

21. At the same time, we reiterate our determination to ensure that these partnerships are fully based on Africa's leadership, because without such leadership, there will be no ownership and sustainability; because we understand the problems far better than those who come from far away; because we know which solutions will work, and how we can get there; and because, fundamentally, these problems are ours, and we will live with their consequences.

22. We call on the African civil society to continue to play its role in promoting peace, security and stability as partners of Government, as we seek to ensure that the AU, as called for in its Constitutive Act, respect the principle of participation of the African peoples in the activities of the Union.

23. We declare the year 2010 as *Year of Peace and Security on the Continent*. In this regard, we request the Chairperson of the Commission to prepare a detailed programme which would identify concrete steps that could be taken to promote peace, security and stability on the continent, and to submit it to the next ordinary session of the Assembly of the Union.

24. We solemnly adopt the Tripoli Declaration, and pledge our full commitment to its effective implementation so as to open a new chapter in our collective action in favour of peace, security, stability and shared prosperity throughout Africa and the rest of the world.

Annex II to the letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Plan of Action

1. We, the Heads of State and Government of the African Union (AU), meeting in Tripoli, Great Socialist People's Libyan Arab Jamahiriya, on 31 August 2009, on the occasion of the Special Session on the Consideration and Resolution of Conflicts in Africa, as agreed in Decision Assembly/AU/Dec.252 (XIII), have reviewed the state of peace and security on our continent and agreed on the measures that need to be taken to accelerate the resolution of conflict and crisis situations, as well as consolidate peace where it has been achieved.

2. These measures, taken on the basis of earlier AU decisions, which we are reconfirming, are to be implemented in the short term and are as follows:

3. **On Somalia:**

(i) To deploy, by the end of 2009, the three remaining battalions of the AU Mission in Somalia (AMISOM), thereby enabling AMISOM to reach its authorized strength;

(ii) To request Member States that have already pledged troops to AMISOM, to make them available as soon as possible. Also request Member States to provide all necessary support to AMISOM and to the Transitional Federal Government (TFG) of Somalia, including funding, troops, equipment, logistics and training;

(iii) To further efforts towards the early elaboration of an integrated and well coordinated training plan for the Somali Security Forces and Police; in this respect, the Special Session requests the Commission to take the required steps, in coordination with the TFG and member States and partners, to enhance the efficiency of the training and facilitate the effective insertion of the trained personnel into the TFG's Security Forces;

(iv) To acknowledge the contribution and sacrifices that have been made by the neighbouring countries and to request them to continue with their consultations with the Commission and support for AMISOM in every way possible;

(v) To request the Peace and Security Council (PSC) to review the mandate of AMISOM, in particular with regard to its authorized strength, and the logistical support, to enable it to provide increased assistance to the TFG and facilitate the extension of its authority, including outside of the capital city, over its airspace and territorial waters and over those strategic locations whose control is likely to accelerate the achievement of peace, security and stability in Somalia;

(vi) To encourage the TFG to intensify its efforts to promote reconciliation and an all-inclusive political process. In this respect, the Special Session demands that all Somali parties that have not yet joined the peace process, to do so immediately and without any precondition. To this end,

result-oriented negotiations need to be engaged between the TFG and the armed opposition groups which would be willing to renounce violence and seek peaceful solutions to their grievances;

(vii) To impose targeted and mandatory sanctions against the leaders and other members of Somali armed groups engaged in destabilization activities against the TFG, as well as other actors engaged in criminal activities that fuel the conflict and undermine the peace and reconciliation efforts. The individuals concerned will be held personally accountable for their subversive actions. In this regard, close collaboration needs to be developed with the UN Monitoring Group to ensure that sanctions are effectively implemented;

(viii) To strengthen the political and humanitarian components of AMISOM, including through the enhancement of its political presence on the ground in Mogadishu, with the view of facilitating engagement with all stakeholders, the delivery of humanitarian, assistance, reconstruction of the local administration and infrastructure, and the implementation of community-based Demobilization, Disarmament and Reintegration (DDR) programmes;

(ix) To work towards the early disbursement by all the countries and institutions that made pledges during the Brussels Conference of the funds committed in order to avoid delays in the implementation of crucial activities, including the training of the Somali Security Forces;

(x) To develop closer collaboration and coordination between the AU and its partners, including the United Nations, for the speedy implementation of sanctions against spoilers, the imposition of a no-fly zone and naval blockade to prevent the flow of arms and other forms of material support to the insurgents in Somalia, as well as the protection of Somalia's coastline and fight against piracy, illicit dumping and illegal exploitation of marine resources, in line with relevant AU and IGAD decisions;

(xi) To convene an international conference to discuss the adoption of an international convention on the phenomenon of maritime piracy and its underlying causes, as well as the promotion of effective international cooperation, which, in conformity with the Convention on the Law of the Sea, ensures the freedom of maritime navigation and preserves the right of States on their Exclusive Economic Zone and their territorial waters, as well as that of local populations to benefit from the resources therein;

(xii) To mobilize resources for the enhancement of the capacity of the Somali state institutions, using existing mechanisms.

4. **On Darfur (Sudan):**

(i) To ensure speedy progress in the search for peace, security, justice and reconciliation in Darfur, with the aim of significantly moving the process forward by the end of 2009, building on the improvement of the security situation. In this respect, the Special Session calls on all the Sudanese parties to demonstrate the necessary political will and engage in dialogue without preconditions, it being understood that targeted sanctions could

be imposed on those parties that would refuse to take part in the negotiations or reject their outcome;

(ii) Commitment of the Sudanese parties to an immediate ceasefire, in order to create conditions conducive to the successful conclusion of the political process, and support to the current efforts aimed at unifying the armed groups so as to facilitate the negotiations, in line with the programme of work of the AU-UN Joint Mediator;

(iii) To request the Sudanese parties and the international community to extend full cooperation to the implementation of the report of the AU High-Level Panel on Darfur (AUPD), whose recommendations are expected to provide a clear roadmap on how best to achieve peace, justice, reconciliation and healing in Darfur, thereby contributing to the overall objective of sustainable peace and stability in the Sudan as a whole;

(iv) Commitment by the AU Member States that have pledged troops and police personnel for AU/UN Hybrid Operation in Darfur (UNAMID) to ensure their timely deployment, so as to facilitate the achievement of the full deployment of the Mission by the end of this year, and request to the international partners to provide the necessary equipment to the African Troops Contributing Countries (TCCs) and appropriate enablers to the UNAMID;

(v) To request the Sudanese Government to continue taking concrete steps to investigate the abuses committed in Darfur and bring their perpetrators to justice;

(vi) To reiterate the AU's earlier decision regarding the non-cooperation of its Member States with the arrest and surrender of President Omar Hassan Al Bashir, following the arrest warrant issued by the International Criminal Court (ICC);

(vii) To urge the international community to move from emergency humanitarian assistance towards development support, in order to facilitate the return and resettlement of refugees and IDPs;

(viii) To establish a flexible and effective mechanism to monitor the implementation of the above-mentioned measures and to enhance Africa's role in the strategic leadership of the peace process in Darfur, in light of the recommendations of the AUPD and other relevant factors.

5. **On the Comprehensive Peace Agreement (CPA):**

(i) Commitment by the parties to the CPA to resolve the outstanding issues in its implementation, in particular as they relate to the demarcation of the North-South border, the enactment of the remaining legislation for the elections, the full redeployment of forces, the disarmament of militias and the operationalization of the Joint Integrated Units (JIUs), and to work towards finding an agreement on the results of the census;

(ii) To request the Commission to dispatch, without delay, a pre-election assessment team to the Sudan to meet with the Sudanese officials, as well as other stakeholders involved in the preparations for the Sudanese

elections, in order to assess the readiness of the Sudanese electoral process and review the status of the implementation of the CPA;

(iii) To revitalized the activities of the AU Ministerial Committee on the Post-Conflict Reconstruction of the Sudan and increase support of Member States to peacebuilding in the Sudan. In this respect, the Special Session requests the Commission to convene a Conference to support post-conflict reconstruction in the Sudan, in the 1st quarter of 2010.

6. **On the relations between Chad and the Sudan:**

(i) The two countries to commit themselves to comply fully with the various Agreements they have signed towards the normalization of their relations, in particular by refraining from providing any kind of support or hosting armed opposition groups hostile to the other;

(ii) To reactivate the efforts to deploy a peace and security force along the border between the Sudan and Chad to monitor the situation on the ground. In this respect, the Special Session requests the co-chairs (Republic of Congo and Libya) of the Contact Group established by the Dakar Agreement of 13 March 2008, to immediately resume its work;

(iii) To request the Chairperson of the Union to continue his efforts in support of the implementation of the Sirte Agreement;

(iv) To request the concerned armed groups to engage in political processes aimed at finding solutions to any grievance they may have, bearing in mind the need to respect constitutional order and legality. Should they refuse to embark on such processes, targeted sanctions will be imposed against them.

7. **On the situation in the Horn of Africa:**

To request the Commission, in pursuance of the relevant paragraphs of decision Assembly/AU/Dec.252(XIII) and other relevant AU and IGAD decisions, in support of IGAD and in collaboration with the UN, the League of Arab States and other stakeholders, to continue with efforts of peace-building and reconciliation, in order to foster peace, security, cooperation and development in the Horn of Africa. These efforts will be without prejudice to the rights and obligations of the countries of the region concerned with respect to their bilateral disputes and actions falling under the purview of the UN Security Council or any other measure that the Security Council may take in response to relevant AU and IGAD decisions.

8. **On the Great Lakes Region:**

(i) To mobilize greater support from Member States and the international community for the implementation of the Pact on Security, Stability and Development;

(ii) To encourage and support the efforts to harmonize activities for the promotion of security within the concerned Regional Economic Communities (IGAD, SADC, EAC, ECCAS), as well as CEPGL;

(iii) To increase the efforts to promote regional economic integration, in particular within the framework of the CEPGL, as well as relevant projects undertaken by other regional organizations;

(iv) To mobilize greater support from Member States towards post-conflict reconstruction and development efforts in the Democratic Republic of the Congo (DRC) and Burundi, and request the Commission to organize a pledging conference which would enable African countries to express their solidarity with these two countries, in accordance with the AU Policy on Post-Conflict Reconstruction and Development (PCRD). This Conference will aim at mobilizing political, financial and technical support for post-conflict reconstruction activities, including in the areas of good governance, security sector reform and economic development, as well as institutional capacity-building;

(v) To support the electoral process in Burundi, including through the deployment of an AU mission to observe all stages of the electoral process;

(vi) To adopt concrete steps to address the issue of the illegal exploitation of the natural resources of the DRC, in particular by those multinational corporations and other foreign entities whose activities create conditions for negative practices, including the exchanging of raw materials for weapons, thereby fuelling conflict and undermining the long-term development of the DRC. This could involve developing a scheme similar to the Kimberley Process for the Certification of other mineral resources and the convening of a conference that will bring together all key stakeholders;

(vii) To request the Commission to initiate concrete steps, to better support the efforts made by the countries of the region to resolve once and for all the problem of the FDLR, including the implementation of appropriate military, judicial and political measures and other steps to curb the propaganda and any activity that the FDLR could undertake in other countries;

(viii) To implement concrete steps to better protect the vulnerable civilian population in Eastern DRC, in particular women and children, against violence perpetrated by the FDLR and other armed groups;

(ix) To renew efforts, including military efforts, to neutralize the Lord's Resistance Army (LRA) and bring to an end its atrocities and destabilizing activities in DRC, Southern Sudan and Central African Republic (CAR);

(x) To take immediate and concrete steps to support the DRC for the full implementation of the 23 March 2009 Agreements between the Government of the DRC and Congolese armed groups, secured with the assistance of a special mediation mechanism established in 2008 under the stewardship of former Presidents Olusegun Obasanjo and Benjamin Mkapa.

9. **On Guinea-Bissau:**

(i) To ensure the early deployment in Guinea-Bissau, with the support of the UN, the EU, and other AU partners, of a joint AU-ECOWAS stabilization mission to consolidate peace and stability, lend the necessary support to the new Government in its attempts to reform the security sector, post-conflict reconstruction and development and to assist in the fight against drug trafficking, and request the PSC and the Commission to take the necessary follow-up measures;

(ii) To request the Commission to finalize its consultations with the Bissau Guinean authorities and ECOWAS on how to create conducive conditions for the conduct of a credible investigation into the political assassinations committed in the country in 2009, in particular that of President João Bernardo de Vieira, and acceleration of the process to establish an international commission of inquiry comprising Guinea-Bissau, AU, ECOWAS and CEN-SAD;

(iii) To request the Commission and ECOWAS to convene, before the end of 2009, a regional conference on post-conflict reconstruction, stabilization, security sector reform and drug trafficking, with a view to articulating a comprehensive and well-coordinated strategy to deal with these issues, bearing in mind relevant AU and ECOWAS decisions.

10. **On the Republic of Guinea:**

(i) To demand that the *de facto* authorities fully comply with their commitments and ensure that the elections are held within the new timeframe recently agreed upon, i.e. January 2010 for presidential election and March 2010 for legislative election;

(ii) To demand that the authorities take the necessary steps to improve the security and human rights situation in the country, as well as address effectively the issue of drug trafficking.

11. **On Madagascar:**

To request the Malagasy parties to redouble their efforts to resolve the outstanding issues and restore legality through credible, transparent and fair elections, and enable their country to overcome the current crisis, building on the Agreements reached following the meeting held in Maputo, Mozambique, from 5 to 10 August 2009, under the auspices of the AU and facilitated by the International Joint Mediation led by former President Joaquim Chissano, the SADC-appointed Mediator.

12. **On Côte d'Ivoire:**

(i) To request the Ivorian parties to continue to show the necessary political will, in order to create a favourable atmosphere for the holding of the presidential election, including overcoming the difficulties being encountered in the implementation of the Ouagadougou Political Agreement;

(ii) To encourage the international community, including AU Member States, to mobilize the necessary financial resources, particularly for the demobilization and rehabilitation of ex-combatants and militia.

13. **On Liberia:**

To reiterate AU's support to the ongoing efforts at peace-building and post-conflict reconstruction in Liberia, and to call for increased efforts by Member States and the international community as a whole to this end.

14. **On the Central African Republic:**

To call for continued and increased support by the international community for peace-building efforts in CAR, acknowledging the contribution of the countries of the region to this end. The Special Session further calls on the partners to honour the pledges they have made in relation to CAR.

15. **On the Comoros:**

To reaffirm the unity and territorial integrity of the Comoros, in line with relevant OAU/AU decisions on the Comorian Island of Mayotte. The Special Session calls for the reactivation of the AU Committee of Seven on Mayotte, which should meet on the margins of the UN General Assembly. More generally, the Special Session reaffirms that the territorial integrity of Africa cannot be legally affected by referendums conducted by foreign powers on an African territory.

16. **On Western Sahara:**

To support the ongoing UN efforts to overcome the current impasse and relevant UN Security Council resolutions, which call for direct negotiations between the two parties without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. To this end, the Special Session calls for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco.